

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SHASTA STRATEGIC INVESTMENT
FUND, LLC; AND PRESIDIO GROWTH
LLC (Tax Matters Partner),

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C-04-4264-RS

(Related to Case Nos. C-04-4309-RS, C-04-4398-RS, C-04-4964-RS, C-05-1123-RS, C-05-1996-RS, C-05-2835-RS, and C-05-3887-RS)

**STIPULATION TO REOPEN
DISCOVERY FOR LIMITED PURPOSES
AS MODIFIED BY THE COURT**

STIPULATION TO REOPEN DISCOVERY FOR LIMITED PURPOSES

1 Pursuant to Fed. R. Civ. P. 29 and Local Rule 6-2, Petitioners Presidio Growth, LLC and
2 Presidio Resources, LLC ("Presidio"), Intervenor J. Paul Reddam and Clarence Ventures, LLC,
3 Intervenor Tom Gonzales and Birch Ventures, LLC ("collectively, the Intervenor"), and
4 Respondent, the United States, hereby request that the Court permit discovery in this case to be re-
5 opened for the following enumerated limited purposes until November 14, 2013:
6

- 7 • The United States intends to supplement its prior discovery responses to Presidio
8 within four weeks of the date of this stipulation. The United States shall produce
9 copies of these updated responses, as well as any additional documents produced to
10 Presidio, to the Intervenor, with the understanding that the sharing of these limited
11 items is not to be construed as opening the door to additional discovery requests from
12 the Intervenor, or in any other way expanding the United States' obligations to
13 provide information to the Intervenor.
14
 - 15 • The Intervenor intend to move the court in *United States v. Stein* (SDNY-05-CF-0888)
16 to modify the protective order in that case to allow disclosure by Presidio of documents
17 obtained through discovery in that case ("*Stein* documents") to other parties in this
18 case, and to allow all parties in this case to utilize, in this case, any documents so
19 disclosed, subject to the Federal Rules of Civil Procedure, Federal Rules of Evidence,
20 and any objections that are sustained in this case by the Court. As a condition for
21 counsel for the United States in this case not objecting to the Intervenor's motion and
22 agreeing to this stipulation, Intervenor and Presidio agree and stipulate to produce
23 copies to the United States of all *Stein* documents disclosed by Presidio to Intervenor
24 (copies of which will be produced to the United States as soon as reasonably feasible);
25 and Presidio agrees and stipulates to produce copies to the United States of all *Stein*
26 documents, if any, that Presidio may utilize in their case-in-chief at trial.
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28
- STIPULATION TO REOPEN DISCOVERY FOR LIMITED PURPOSES - 3

- The parties stipulate to the taking of depositions of designated trial witnesses that have not yet been deposed in this case. But in so stipulating, counsel for the United States does not agree, at this time, to use of any such depositions in connection with pending dispositive motions.

The above-named parties further request that the Court hold in abeyance any ruling on pending motions for summary judgment until the close of the additional discovery period.

Respectfully submitted this 24th day of July, 2013.

/s/ Steven M. Bauer
STEVEN M. BAUER
Latham & Watkins
Attorneys for Petitioners


/s/ James E. Weaver
JAMES E. WEAVER
Trial Attorney, Tax Division, Dept of
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/s/ Jessica C. Munk
JESSICA C. MUNK
Law Office of David W. Wiechert, Attorney for
Intervenors J. Paul Reddam and Clarence Ventures

/s/ Dashiell C. Shapiro
DASHIELL C. SHAPIRO
Wood LLP, Attorney for Intervenors
Tom Gonzales and Birch Ventures

PURSUANT TO STIPULATION, IT IS SO ORDERED. Discovery shall be reopened for the above-mentioned limited purposes to November 14, 2013. For administrative purposes, the pending motions shall be denied without prejudice. The Government may simply renounce the motions by filing a request.

Dated: 7/24/13


Honorable Richard Seeberg
United States District Judge